

## TRADE ACT

### A Comparison of the Regular TAA Provisions and the New NTAA Provisions

#### TAA TRADE ADJUSTMENT ASSISTANCE

- Trade Adjustment Assistance was established under the Trade Act of 1974 (amended 1981, 1986, 1988, 1993) to help American workers who have lost work as a result of increased imports.
- TAA is a federal program administered by the U.S. Department of Labor and cooperating state employment security agencies.

#### NTAA NORTH AMERICAN FREE TRADE AGREEMENT TRANSITIONAL ADJUSTMENT ASSISTANCE

- NAFTA Transitional Adjustment Assistance was established in 1993 as an amendment to the Trade Act of 1974 to help American workers whose job loss can be linked to NAFTA.
- NTAA is a federal program administered by the U.S. Department of Labor and cooperating state employment security agencies.

#### Petitioning for Adjustment Assistance

- A petition for adjustment assistance may be filed by any group of three or more workers of a firm or subdivision of a firm, their union or a duly authorized representative of the firm, **who feel that increased import competition has contributed significantly** to the workers' unemployment. The group may petition the U.S. Department of Labor for a determination of eligibility to apply for adjustment assistance.
- In California, workers may contact the local state Employment Development Department (EDD) and request a *Petition for Adjustment Assistance* (ETA 8560), or they may notify the Department of Labor's Office of Trade Adjustment Assistance directly of their interests in filing a petition for readjustment assistance. Write to:

U.S. Department of Labor  
Employment and Training Administration  
Office of Trade Adjustment Assistance  
200 Constitution Avenue, NW, Room C-4318  
Washington, D.C. 20210

- A petition for adjustment assistance may be filed by any group of three or more workers of a firm or subdivision of a firm, their union, or a duly authorized representative of the firm or a community-based organization, **who feel that increased import competition has contributed significantly** to their unemployment. The group may petition the U.S. Department of Labor for a determination of eligibility to apply for adjustment assistance.
- In California, workers may contact the local state Employment Development Department and request a *Petition for NAFTA Transitional Adjustment Assistance* (ETA 9042). The Employment Development Department conducts preliminary NAFTA petition investigations for the Department of Labor. NTAA petitions should be mailed to:

State of California  
Employment Development Department, MIC 40  
P.O. Box 826880  
Sacramento, CA 94280-0001

#### Certification

- If the Department of Labor determines that trade import injury has occurred, it will issue a certification of eligibility to apply for adjustment assistance.
- If the Department of Labor determines that **increased imports from or relocation of production to Canada or Mexico has contributed significantly to workers' unemployment**, it will issue a certification of eligibility to apply for adjustment assistance.

**TAA  
TRADE ADJUSTMENT ASSISTANCE**

**NTAA  
NORTH AMERICAN FREE TRADE  
AGREEMENT  
TRANSITIONAL ADJUSTMENT ASSISTANCE**

**Certification (cont.)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• A certification is an official authorization by the Department of Labor for a specific group of workers to apply for adjustment assistance. The certification indicates the date that the group of workers becomes eligible to apply for adjustment assistance.</li><li>• A worker who learns that his/her group has been certified must contact the local employment office to apply for trade adjustment assistance. The EDD will determine if the worker is covered by the certification, and whether basic qualifying requirements are met.</li></ul> | <ul style="list-style-type: none"><li>• Same as TAA.</li><li>• Same as TAA.</li></ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|

**Qualifying Requirements**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• The basic qualifying requirements are as follows:<ul style="list-style-type: none"><li>- The worker must have been laid off for lack of work on or after the impact date and before the termination date of the certification.</li><li>- The worker must have had wages of \$30 or more in adversely affected employment in each of at least 26 of the previous 52 weeks, ending with the week of the worker's separation.</li></ul></li><li>• Affected workers who move to another state and learn that former employees of their old company have been certified eligible to apply for adjustment assistance should immediately contact the nearest employment office to apply for adjustment assistance. That office will assist workers in filing a claim.</li></ul> | <ul style="list-style-type: none"><li>• The basic qualifying requirements are the same as TAA.</li></ul> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|

**Allowances and Special Assistance**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Eligible workers receive Trade Readjustment Allowances (TRA) during periods of unemployment. The program also assists workers to regain satisfactory employment through the use of a full range of employment services and, if needed, provides training, job search assistance and relocation.</li><li>• A basic claim is a fixed dollar amount payable within a 104-week period that begins with the first week following the worker's most recent TRA-qualifying separation.</li><li>• The weekly TRA rate is the same as for Unemployment Insurance (UI). The maximum TRA benefit is 52 times the weekly UI benefit amount minus the total amount of a worker's UI claim and any related extensions.</li><li>• Workers approved for training may receive up to 26 additional weeks of allowances to complete the training. In no event may an individual receive more than 78 weeks of allowances.</li></ul> | <ul style="list-style-type: none"><li>• Same provisions as TAA, <b>EXCEPT:</b><ol style="list-style-type: none"><li>1. The 104-week period begins with the first week following the worker's most recent NTAA-TRA qualifying separation; and</li><li>2. The worker must be enrolled in a training program approved by the later of:<ul style="list-style-type: none"><li>- The last day of the 16th consecutive week of such worker's most recent NTAA-TRA qualifying separation; or</li><li>- The last day of the 6th week after the week in which the U.S. Secretary of Labor issues a certification covering such worker.</li></ul></li><li>3. Under NTAA there is a prohibition of training waivers.</li></ol></li></ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|